

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LARRY D. THOMAS,

Plaintiff,

V.

CIVIL ACTION NO.: 02:05-CV-437-T

**R. JAMES NICHOLSON,
SECRETARY, DEPARTMENT OF
VETERANS AFFAIRS,**

Defendant.

ANSWER

Comes now the Defendant, R. James Nicholson, by and through Leura G. Canary,
United States Attorney for the Middle District of Alabama, and answers the Plaintiff's
complaint as follows:

First Defense

The Defendant denies the allegations of discrimination in the Plaintiff's complaint and demands strict proof of all matters contained therein.

Second Defense

The Plaintiff's complaint fails to state a claim upon which relief can be granted.

Third Defense

The circumstances presented in the Plaintiff's complaint do not present a claim of discrimination under Title VII.

Fourth Defense

The Plaintiff has failed to prove a prima facie case of discrimination.

Fifth Defense

The Defendant based his personnel actions on legitimate, non-discriminatory reasons.

Sixth Defense

The Defendant specifically reserves the right to add additional defenses of which it becomes aware during the progression of discovery.

Seventh Defense

Answering specifically the numbered paragraphs of the Complaint, utilizing the same paragraph numbering, the defendant admits, denies, and otherwise answers as follows:

COMPLAINT

1. The Defendant is without sufficient information to admit or to deny the allegations of paragraph 1 of the complaint, therefore the same are denied.
2. The Defendant admits that R. James Nicholson, Secretary of Veteran's Affairs and that his principal place of business is 810 Vermont Avenue, Washington, D.C. 20420 and that his principal business is the administration of benefits due veterans of the United States armed forces.
3. The allegations of paragraph 3 of the complaint are a statement of jurisdiction to which no answer is required. To the degree an answer is deemed necessary, the Defendant denies same.

4. The Defendant denies that the Plaintiff's employment was terminated in whole, or in part, on the basis of any prohibited / illegal animus, discrimination, and / or harassment on the basis of any prohibited / illegal animus.

5. The Defendant admits that the Plaintiff's employment with the Department of Veteran's Affairs was terminated May 14, 2004, but denies that his employment began on May 14, 2003.

6. The Defendant denies the allegations of paragraph 6 of the complaint.

7. The Defendant denies the allegations of paragraph 7 of the complaint.

8. The Defendant denies the allegations of paragraph 8 of the complaint.

9. The Defendant denies the allegations of paragraph 9 of the complaint, with the exception of that denoted # 3, as to which the Defendant is without sufficient information to admit or to deny, therefore the same is denied.

9. The Defendant denies the allegations of paragraph 10 of the complaint.

10. The Defendant admits the allegations of paragraph 11 of the complaint.

12. Paragraph 12 is a prayer for relief which requires no response, to the degree one is deemed necessary, the defendant denies the Plaintiff is entitled to any relief of any kind.

WHEREFORE premises considered, the Defendant requests that the Complaint be dismissed with prejudice and that costs be taxed against the Plaintiff.

Respectfully submitted this 22nd day of July, 2005.

LEURA G. CANARY
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that I placed a copy of the foregoing in the United States Mail, first class postage affixed addressed to Larry D. Thomas, *pro se*, 3327 Lunceford St., Montgomery, AL 36108.

Done this 22^{ndt} day of July, 2005.

s/R. Randolph Neeley
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